



WIGINGTON RUMLEY DUNN & BLAIR L.L.P.
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January 8, 2016

The Honorable Charles R. Breyer
United States District Court for the Northern District of California
San Francisco Courthouse, Courtroom 6 - 17th Floor
450 Golden Gate Avenue
San Francisco, California 94102

Re: In re: Volkswagen "Clean Diesel" Mktg., Sales Practices, and Prods. Liab.
Litig. (This Document Relates to All Cases); Application for Lead Counsel

As the founding member and managing partner of Texas based Wigington, Rumley, Dunn & Blair, LLP, and pursuant to this Court's Pretrial Order Nos. 1 and 2, I hereby submit this Application to serve as Plaintiffs' Lead Counsel.

I. Professional Experience In Leading And Prosecuting MDLs And Class Actions

I am one of the handful of Plaintiffs' attorneys before this court who has actually served as lead counsel in litigation against Volkswagen and Audi (VW Audi), both their national and international entities, related to the design and performance of their vehicles. I have deposed corporate representatives of VW Audi. I have negotiated protective orders with VW Audi and have engaged in discovery including discovery involving EDR/ECU downloading and interpretation of hexadecimal data. This discovery has included working with national and international Bosch companies, the designers of the defeat emission software, to download and interpret EDR/ECU data. I have served as lead counsel in more than 100 automotive product liability cases in more than 20 states. In addition to VW Audi, these cases have involved every major domestic and foreign automobile manufacturer. I have obtained one of the largest reported compensatory damage verdicts against Ford Motor Company-\$225 million dollars.

In addition my experience includes the following: I was selected to serve as Lead Liaison counsel in Toyota Texas Multi-District litigation involving sudden unintended acceleration. This litigation involved significant source code/software/EDR discovery issues. All cases which remained in the MDL were resolved to plaintiffs' and defendants' satisfaction. I was selected to serve on the Plaintiffs' Steering Committee in General Motors' Texas Multi-District litigation involving ignition switch and power steering defects. This litigation also involves significant EDR discovery issues. I was selected as Plaintiff's Lead Counsel for two bellwether cases.

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I am AV rated by Martindale-Hubbell. I have been an ABOTA member since 2004. I have been chosen by my peers as a Texas Super Lawyer in 2003-2004 and from 2007 to 2015. I was selected to be a Member of The National Trial Lawyers Top 100 Trial Lawyers in 2012 through 2015.¹

II. Names And Contact Information Of Judges

- Hon. Robert Schaffer, 152nd District Court of Harris County, Texas, Harris County Civil Courthouse, 201 Caroline, 11th Floor, Houston, Texas 77002;
- Hon. Nelva Gonzales Ramos, United States District Court for the Southern District of Texas, Corpus Christi Division, United States Courthouse, 1133 N. Shoreline Blvd., Corpus Christi, TX 78401

III. Willingness And Ability To Immediately Commit To Time-Consuming Litigation

I am willing and immediately available to commit time and resources to this MDL. An experienced team of attorneys and staff at my firm are dedicated to this litigation, and I have strong relationships with other firms in this MDL that have significant experience in automobile class actions (Kershaw, Cook & Talley, PC; Wexler Wallace, L.L.P.) all of whom are willing to devote significant time and resources to this case. I am well aware of the significant responsibilities required of lead counsel, recognize that this case will be time-consuming, and am willing to dedicate the resources necessary to successfully manage and prosecute this case.

IV. Willingness And Ability To Work Cooperatively With Other Counsel

My past professional experiences and decades of practice alongside numerous other plaintiffs' attorneys in nationwide class actions demonstrate a commitment and ability to work cooperatively with others.

V. Access To Resources To Prosecute The Litigation In A Timely Manner

My firm is uniquely positioned to gain access to resources to prosecute this litigation in a timely manner. Through my 20 years working in the automotive product liability arena I have become familiar with dozens of well-qualified and respected expert witnesses who are qualified to opine in areas related to this litigation. I have immediate access to their wealth of knowledge and experience through my personal relationships with them. My firm is adequately funded to perform and sustain all of the obligations required of lead counsel and I am prepared to commit the full resources of my firm to prosecute this MDL.

¹ A copy of Mr. Wington's resume is attached hereto as Exhibit A.

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VI. Willingness To Serve As Lead Counsel, A Member Of A Steering Committee, Or Both

I, along with the full resources of my firm, am prepared to serve as Lead Counsel or as a steering committee member.

VII. Category Or Categories Of Plaintiffs The Applicant Wants To Specifically Represent

I, and my firm, seek to represent all plaintiffs, vehicle owners and lessees, and/or dealerships.

VIII. Other Considerations

My application to this court is made solely because the primary focus of my legal career has been representing the interests of Plaintiffs who have been injured or suffered damages as a result of the acts or omissions of automobile manufacturers. Over the past twenty years I have focused my practice on representing individuals against automobile manufacturers, including VW Audi. I am keenly aware of the lengths to which these companies will go to conceal wrongful actions, hide defective products, and unfairly minimize the damage they have inflicted. I do not apply for an executive position on every big MDL. This case is the exception, not the rule.

Respectfully submitted,

/s/ Jeffrey G. Wigington
Jeffrey G. Wigington

Enclosures
cc: All Counsel via ECF